



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	CLASS OF INVENTION
07/119,746	11/12/87	BOYSE	E 6287-003

EXAMINER

PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

ROSEN, S. PAPER INVENTOR

182

13

DATE RECEIVED:

02/15/90

☐ This application has been examined ☒ Responsive to communication filed on 12-26-89 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire one month(s), 13 days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-56 are pending in the application.

Of the above, claims 10-56 are withdrawn from consideration.

2. ☐ Claims have been cancelled.

3. ☐ Claims are allowed.

4. ☐ Claims are rejected.

5. ☒ Claims 1-9 are objected to.

6. ☒ Claims 1-9 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on . Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on , has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on .

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

The claims in this application are 1-56.

Newly submitted claim 1-9 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The previously presented claims 1-9 involved two types of cells; the instantly presented claims are directed to a single cell and a cryopreservative.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 1-9 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 821.03.

Applicant is given one month from the date of this action to reinstate claims directed to the originally elected invention.

State of the art: Rinfret et al is cited to show that it is conventional to add cryoprotectants to blood prior to freezing (col. 2); therefore it would be obvious to add cryoprotectants to hematopoietic stem cells prior to freezing following the teaching of Rinfret et al.

Rosen-rb

2-13-90

A/C 703-

557-0664

Sam Rosen
SAM ROSEN
EXAMINER